

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7351 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

MOHAMMAD SAZID BHIKUMIYA QUADRI

Versus

GEB

Appearance:

MR YN RAVANI for Petitioner
NOTICE SERVED for Respondent No. 1
MR MD PANDYA for Respondent No. 2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 22/09/2000

ORAL JUDGEMENT

1. Rule. Mr. M.D. Pandya, learned counsel waives service of rule on behalf of the respondents. By consent of parties the matter is taken up for final hearing

today. Heard learned counsel for the parties.

2. Mr. Y.N. Ravani, learned counsel for the petitioner submits that the only request of the petitioner is that the petitioner may be permitted to make a representation to the Appellate Committee of the respondent Board only on the aspect of amount of the Supplementary bill issued as per conditions of supply for lower reduction, and for giving relief in the matter of payment of delayed payment charges and on no other aspects. It is further submitted that, keeping in view the financial constraints that is faced by the petitioner, the petitioner be granted installment in payment of the full sum due as per the said bill inclusive of delayed payment charges on the sum as per the supplementary bill in question upon such conditions as may be found reasonable.

3. Upon consensus having been arrived at, this petition is disposed of with the following directions:

- 1) The petitioner is permitted to make a representation to the Appellate Committee of the respondent Board only on the aspect of reduction of the amount of the supplementary bill and relief in the matter of payment of delayed payment charges and no other points. Such representation shall be made within two weeks of this order and the appellate committee would consider the same on merits according to law. It is agreed and accordingly clarified that the order upon such representation would not furnish any cause of action for any proceedings whatsoever before any forum and that the same shall be final and binding to the petitioner. However if upon consideration of the representation appellate committee is of the opinion of giving any relief, appropriate credit/relief in subsequent bills will be given.
- 2) The petitioner be granted installment in payment of the full dues as per the supplementary bill together with delayed payment charges as under:

The first sum with delayed payment charges shall be paid in six monthly installments. The first and the second monthly installments shall be of Rs.50,000/- each. The third, fourth and fifth monthly installments shall be of Rs. One lac each and the sixth monthly installment shall be for the balance sum together with delayed payment

charges. The first installment together with reconnection charges shall be paid within one week hereof. The subsequent installments shall be paid on or before 15th of every succeeding English calendar months. These payments shall be subject to such adjustment as may be necessitated upon the determination of the representation.

- 3) The petitioner shall continue to pay regular electricity charges as and when falling due and clear arrears if any in respect of regular bills, and continue to abide by the conditions of supply.
- 4) Upon payment of the first installment and reconnection charges the power supply shall be reconnected, subject to the petitioner complying with the terms of this order.
- 5) The petitioner shall not transfer the properties of the petitioner save and except goods manufactured in the ordinary course of business till the full dues of the respondent stand finally cleared.
- 6) The petitioner to file an undertaking before the Registry of this Court to abide by the terms and conditions of this order within one week from the date of receipt of the order.
- 7) The reconnected supply pursuant to the order shall be liable to be disconnected without notice upon failure to abide by any of the terms and conditions of this order.

4. Upon these directions that the petitioner seeks being issued, no further relief is sought and the petitioner therefore seeks permission to withdraw the petition. The prayer is granted and subject to the directions as per above, the petition stands disposed of as withdrawn. Rule discharged. I make no order as to costs.

Dt: 22-9-2000

(P.K. Sarkar, J)

/vgn.